

REMARKS

This application has been amended to place it in condition for allowance.

Claims 14-33 are pending in the application. Support for claims 14-33 may be found in the original claims and in the present specification at page 3, line 10 to page 5, line 7 and page 6, lines 15-21. Claims 1-13 have been canceled without prejudice.

Applicants thank Examiner Ware for her time and consideration of the present application during the interview with the undersigned. At the interview, the issues raised in the outstanding Official Action were discussed. Examiner Ware appeared to be of the opinion that the phrase "characterized in that" in previously pending claim 1 was confusing. As noted above, claims 1-13 have been canceled. Claims 14-25 incorporate the subject matter of that phrase into the process steps of the method. In this regard, Applicants respectfully submit that new claims 14-25 are non-narrowing in scope.

It is also believed that claims that further characterize the inorganic salts and how the culture medium recited in the method was obtained, would be favorably considered. Claims 26-33 have been drafted to further characterize these features of the invention.

In the outstanding Official Action, claims 1, 3-5, and 11 were rejected under 35 U.S.C. 112, second paragraph, for allegedly being indefinite. Applicants most respectfully submit that the present amendment overcomes this rejection.

Claims 1-13 have been canceled. Applicants respectfully submit that claims 14-33 have been drafted in a manner so as to avoid the issues raised in the rejection. In particular, the terms/phrases "desired", "carrying out mass culture", "characterized", "stays free of the contamination of inorganic additives", and "high-nitrogen organic substance and without organic salts" have been avoided. While the phrase "an organic environment" is still recited, it is believed that the claims (i.e., claims 14-25) have been drafted so that it is clear that an organic environment free of inorganic additives.

Accordingly, Applicants most respectfully request that the rejection be withdrawn.

Claims 1, 3-5 and 11 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as allegedly being obvious over newly cited Haerther et al. This rejection is respectfully traversed.

As to claims 14-25, Applicants most respectfully submit that Haerther et al. fails to disclose or suggest a step of obtaining a culture medium comprising a fermented and aerated high-nitrogen organic substance, or that the culture medium is free of inorganic salts. Applicants respectfully submit that Haerther et al. also fail to disclose or suggest obtaining a culture medium by agitating and fermenting high-nitrogen organic material with a microbiological strain, or the specific inorganic salts as set forth in claims 26-33.

Indeed, Haerther et al. relates to a system and a method for the aerobic treatment of waste, such as animal or human waste (see abstract). The claimed invention relates to a method for culturing organic blue-green algae. Since algae are highly sensitive organisms, the process in which the algae is grown significantly effects the quality of resulting algae (see present specification, pg. 2). Haerther et al. cannot obtain the advantages of the claimed invention since the publication relates to the process of waste treatment, and not the culturing of blue-green algae.

Moreover, the method taught by Haerther et al. cultures algae in a medium based on fermented animal wastes and an inorganic commercial medium (see column 22, lines 18-21). So the culturing environment in Haerther et al. is not necessarily an organic environment. As examples 1-3 of present invention show, the culture medium is organic and the method is carried out in an organic environment (see claim 1).

Indeed, the claimed invention (e.g., claims 14-25) culture algae in an organic environment free of inorganic substances. Accordingly, the algae produced by the present invention are edible without further purification of removing inorganic substances harmful to human beings (see present specification, page 3, lines 2-3). However, the method of Haerther et al. cannot produce edible algae. Haerther et al relates to a method for the treatment of animal wastes in an inorganic culture medium (see column 22, lines 18-21).

According to page 5, lines 3-4 of the Office Action issued on March 17, 2008,

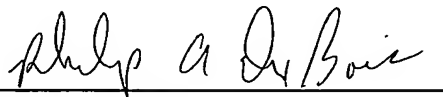
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it is believed that Haerther et al. discusses carrying out the culture on an organic medium" at column 16, lines 28-30. However, column 16, lines 28-30 illustrates exemplary embodiments of an organic medium, and do not specify whether the algae are cultured in a pure organic medium free of an inorganic medium.

Thus, Applicants respectfully submit that Haerther et al. fails to anticipate or render obvious the claimed invention.

In view of the present amendment and further remarks, therefore, Applicants plead that the present application is in condition for allowance.

Respectfully submitted,
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